

MINUTES OF NOVEMBER 26th, 1920.

The Board of Public Works met at the office of the Board of Public Works in Baltimore on Friday, November 26th, at 12:30 P. M.

Present:

Albert C. Ritchie, Governor,
E. Brooke Lee, Comptroller,
John M. Dennis, Treasurer.

The Comptroller placed before the Board the following letter:

"Cambridge, Maryland,
November 23rd, 1920.

Hon. E. Brooke Lee, Comptroller,
Annapolis, Maryland.

Dear Sir:-

I am in receipt of your letter of 17th inst., calling upon me to turn into the treasury of Maryland certain fees enumerated therein, which were paid into the office of Secretary of State after the suits were brought by the State against myself and against Hon. Robert P. Graham and N. Winslow Williams, former Secretaries.

I am also in receipt of copy of letter inclosed in yours of above date, which was addressed to you by Hon. Philip B. Perlman, present Secretary of State.

In reply I desire to state that the fees referred to are those which remained after payment to the State of all those amounts which were due to the State of Maryland under the custom which has prevailed in the office of Secretary of State ever since the office was created by the constitution, which have been received by my predecessors and which it is contended rightfully belong to the Secretary of State under the laws of the State.

I desire to say, however, that the amount accruing to me, as set forth in your letter, does not include any receipts from the amount allowed for the preparation and publication of the Maryland Manual or from the election laws, both of which have always been received by my predecessors in office, but which were omitted after the suits above referred to were instituted, although the receipts from both these sources were specifically enumerated to me as belonging to the Secretary of State in the statement of fees furnished to me at the time of my appointment, and which, with the other representations and assurances as to fees attached to the office, and which had always been received by my predecessors, and the legality of which had never, so far as I knew, been questioned, were the procuring causes of my acceptance of the appointment to the office, and without which representations and assurances, accepted by me in complete reliance and good faith, I never would have accepted the appointment.

I wish to say also that after the suits against the Secretaries were instituted, I voluntarily reduced to one half the recording fees for Foreign Corporations, the amount retained being no more than the actual cost of recording the same.

I also desire to call your attention to the fact that a

very large part, if not practically all, of the fees brought into question by your letter, constituted receipts from the recording of Domestic Corporations, which the Legislature intended to give to the Secretaries of State, and which were not in any way involved in the suit against my predecessor Mr. Williams, which was heard by Judge Bond, and to which case Mr. Perlman's letter refers, as the recording of Domestic Corporations in the office of the Secretary of State was not begun until some time during the term of Mr. Graham, Mr. Williams' successor, hence these fees could not have been covered by the decision of Judge Bond in the Williams case, although it is contended that they occupy the same position as did the Motor Vehicle fees which were decided by Judge Bond to properly belong to Mr. Williams for extraordinary work performed by his office and not contemplated by the Constitution. I have not seen a copy of Judge Bond's decision, and I am therefore not familiar with its contents, but I have been informed that the above statement is correct.

I also note in the copy of Mr. Perlman's letter, reference to an agreement which he says was filed in the Williams case in behalf of Mr. Graham and myself, by our attorneys. In regard to this I desire to say that while I understood that some agreement in our behalf was contemplated, a copy of which was to be submitted to me before the same was entered into, if such an agreement was filed, no copy was ever submitted to me, nor was its contents ever communicated to me. Such an agreement however could not have covered any issue which was not involved or decided in the Williams case, and therefore certainly could not have affected the Domestic Corporation fees hereinbefore referred to.

I have always thought that the order previously passed by the Board of Public Works, directing the institution of suits against my predecessors and myself, was passed without full knowledge on the part of the Board of all the facts and equities involved in my case, and I therefore respectfully request an opportunity to appear before the Board at such time and place as will best suit the Board's convenience, to present to the Board a full statement of all the facts connected with my appointment and my tenure of office, so far as fees are concerned.

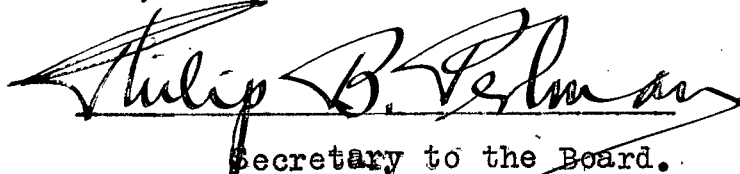
Whether or not the Bill recently passed by the Legislature was broad enough to cover my entire term of office, as it covered the terms of my predecessors, I am certain that neither the Legislature or the citizens of the State, either intended or desire that the relief granted to me should be less than that accorded my predecessors. I had no knowledge of the wording of the Bill until sometime after it was passed, but the Bill does not affect the equities of the case. It is now within the power of the Board of Public Works to take all the equities, the law, and all the facts of the case into consideration, and I therefore will appreciate an opportunity to appear before the Board as above requested.

Very respectfully,

(Signed) Thos. W. Simmons."

The Board directed the Secretary to advise Mr. Simmons that it regrets that it is unable to find that it has any authority to act in the matter, and that, therefore, no good purpose would be accomplished by granting Mr. Simmons' request to appear before the Board and make a statement as to the fees of his office.

There being no further business, the Board adjourned.


Secretary to the Board.